

RECEIVED
CENTRAL FAX CENTER

AUG 05 2005

CERTIFICATE OF FACSIMILE/MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office at (571) 273-8300 and that a confirmation copy is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: August 5, 2005By: Beverly FletcherIN THE UNITED STATES PATENT AND TRADEMARK OFFICEPATENTApplicants: **Blayn W. Beenau, et al.**Attorney Docket No.: **60655.9300**Serial No.: **10/708,830**; Confirmation No.: **2829** Group Art Unit: **2876**Filed: **March 26, 2004**Examiner: **French, Karl D.**Title: **METHOD AND SYSTEM FOR DNA RECOGNITION BIOMETRICS ON A FOB**

**TERMINAL DISCLAIMER TO OBVIATE
A PROVISIONAL DOUBLE PATENTING REJECTION
OVER A CO-PENDING APPLICATION**

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450

Alexandria, VA 22313-1450

08/17/2005 RGRADEN 00000001 192814 10708830

01 FC:1614 Dear Commissioner:

The owner, American Express Travel Related Services Company, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference Application Number 10/708,833, which was filed on March 26, 2004, as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on

1708118

1

Serial No. 10/708,830
Docket No. 60655.9300

PAGE 13/14 *RCVD AT 8/5/2005 4:47:17 PM [Eastern Daylight Time]* SVR:USPTO-EXRF-6/24 *DNI:2738300 *CSID:602 382 6070 *DURATION (mm:ss):03:44

Copy

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number

101708,830

APPLICATION AS FILED - PART I			SMALL ENTITY		OTHER THAN SMALL ENTITY	
(Column 1)		(Column 2)				
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEES (\$)	RATE (\$)	FEES (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))						
SEARCH FEE (37 CFR 1.16(k), (l), or (m))						
EXAMINATION FEE (37 CFR 1.16(e), (p), or (q))						
TOTAL CLAIMS (37 CFR 1.16(l))	minus 20 =		X =		X =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =		X =		X =	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			TOTAL		TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED - PART II

AMENDMENT A			(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(l))	46	Minus	** 46	=			X =		X =	
Independent (37 CFR 1.16(h))	3	Minus	*** 3	=			X =		X =	
Application Size Fee (37 CFR 1.16(s))										
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							TOTAL ADD'L FEE		TOTAL ADD'L FEE	
AMENDMENT B			(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(l))		Minus	**	=			X =		X =	
Independent (37 CFR 1.16(h))		Minus	***	=			X =		X =	
Application Size Fee (37 CFR 1.16(s))										
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							TOTAL ADD'L FEE		TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.